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Alexander Mylne's First Courtroom

Posted on [24/07/2017](#) by [John Cairns](#)

Alexander Mylne, Abbot of Cambuskenneth (ca.1470-1548), is best known as the first President of the Court of Session, being appointed as President of the College of Justice, newly founded in 1532. Mylne was a learned churchman, who wrote a history of the Bishops of Dunkeld, described by Aeneas Mackay as “well written”, and certainly lively when it came to his discussion of his contemporaries.

Mylne, who was an Angus man, had many strong links with the Diocese of Dunkeld. After graduating B.A. from St Andrews in 1494, he acted as clerk and archivist to the Official (Ecclesiastical Judge) of Dunkeld for three years. By 1500 he was a notary public. Over a number of years he began to acquire offices in the diocese: Dean of the Christianity of Angus and Parson of Lundieff (now Kinloch) (1505); Canon of Dunkeld (by 1506); Prebend of Moneydie (Dunkeld Diocese), and of Philorth (in Diocese of Aberdeen) (1512); and finally Official of Dunkeld in 1513 (all these details are taken from the ODNB article by J. A. Gould). He was definitely a talented man on the rise.

He must have been very familiar with legal practice before the ecclesiastical court, given his work as clerk and archivist and then as Official. He was very evidently a lawyer trained in the *ius civile* and *ius canonicum*. In 1516, as Bishop's Official and Canon of Dunkeld (according to his *ex libris* inscription), he acquired an *Infortiatum*: the middle part of the medieval Digest of the Emperor Justinian – see my earlier Blog Entry: <http://wp.me/p6XGl6-9M>. This copy is now the property of the Faculty of Advocates (pressmark A.90.2); it is an edition printed in Lyons in 1514.

Your blogger recently visited Dunkeld, which, being born in Strathearn, he once knew well. The medieval cathedral is beautifully situated by the Tay. Its choir is roofed and serves as the parish church of the Church of Scotland. The nave is ruined, but is currently undergoing major repair works. The north-west bell tower, attached to the nave, survives. Inside in the ground floor room has been revealed some late medieval wall paintings: a judgment of Solomon, and Christ with the woman taken in adultery. They are in two of the arched tympanums formed by the vaulting at the ceiling. No doubt there were two further paintings. the scheme is one suitable for a court room: judicial wisdom and mercy leading to a failure to condemn. And indeed the room in the north-west tower once housed the consistory court of the Diocese. The tower was built, according to the Perth and Kinross volume of the Buildings of Scotland, between 1470 and 1500. Thus, it was here that Mylne may have acted as Clerk to the Official and where certainly he later acted as Official himself, though the paintings may be from after his time as judge.

It is also worth noting that the site of the house at what is now 6b Cathedral Street was apparently that of the house for Mylne's parish of Lundieff. Perhaps it is not too fanciful to imagine him bustling about the Cathedral precinct between his manse and the Tower, busy on his legal duties. He was also active in building, and from 1510 Master of Works to build a bridge over the Tay at Dunkeld, a project that was not to be completed. But this is interesting in a man who may have been the son of the master mason to James III and James IV, who later became master mason to the young James V, and who oversaw considerable building at Cambuskenneth. Mylne is a name evocative in Scottish building history.

From Mylne’s history in which there are descriptions of some of his contemporaries, one can see that in the early sixteenth century there was a very significant reservoir of legal talent in the clergy attached to Dunkeld Cathedral, operating as lawyers and judges not only in Dunkeld but also in the diocese of St Andrews as commissaries and advocates (*Rentale Dunkeldense*). One gets the impression of industry and activity.

In 1970, John Durkan showed that the consistory court of Glasgow was similarly in its Cathedral’s north-west tower before the Reformation. One can readily imagine there a similar activity and regret its demolition.

But with Dunkeld we can see an actual room used as a consistorial court in Scotland before the Reformation and indeed one which is linked to an important individual in the history of Scots law. Scotland lacks visual representations of court scenes in this era; study of remaining court rooms such as this can start to allow us to have some sense of late-medieval courts and their operation in Scotland. Its location in a high tower attached to a great Cathedral allows us to have a sense of the authority the Church courts claimed. Not only were the lawyers learned, but the surroundings were impressive. With the murals and other paintings, litigants and sinners in Dunkeld were bound to feel some awe in the presence of the Official and his retinue. The power of the jurisdiction of the church with its learned law was made evident in stone and paint.

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2 Responses to *Alexander Mylne’s First Courtroom*



[Jonathan Mitchell QC](#) *says:*

24/07/2017 at 12:06

It’d be interesting to see some photos of the pictures! What ever happened to his stolen-and-ransomed law library, which I blogged many years ago at <http://www.jonathanmitchell.info/2009/01/24/scots-law-books-some-stolen-and-recovered-others-for-sale/> ?

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John Cairns *says:*

24/07/2017 at 14:01

A successful photograph of the paintings was beyond the capacity of my camera. You can find photographs of the paintings here, which may explain why: <https://arts.st-andrews.ac.uk/corpusofscottishchurches/site.php?id=157340>. A search on Google may produce a photograph of the Historic Scotland Interpretation Board which allows one to understand them and gives an idea of their original appearance.

The library to which you are referring is I assume that collection of books looted from Edinburgh by Sir William Norris of Speke, which ended up in the Athenaeum in Liverpool. These are now in the National Library of Scotland as a Special Collection (Cambusk1-Cambusk15). Some belonged to Patrick Panter, Mylne’s predecessor as Abbot of Cambuskenneth, as well as Mylne. The Blog entry to which I gave a link in the above Blog had a brief discussion. But there is a fuller discussion of

the books in John W. Cairns, Law, Lawyers, and Humanism: Selected Essays on the History of Scots Law Volume 1 (EUP, 2015), pp. 22-33 (reprinted from John W. Cairns, “English Looters and Scottish Lawyers: The Ius Commune and the College of Justice”, in Dondorp et al. eds., Ius Roman-Ius Commune-Ius Hodiernum: Studies in Honour of Eltjo J. H. Schrage on the Occasion of his 65th Birthday (Amsterdam: Scientia,), pp. 49-59). Clearly much more could be said about these volumes.

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